

**REMARKS**

The Office Action dated August 6, 2008, has been received and carefully reviewed. The preceding amendments and following remarks form a full and complete response thereto. Claims 1 and 11 have been amended, but no new matter has been added by the amendments. Support for the amendments may be found, inter alia, at ¶ 17 and FIGS 3-4 of the specification. Accordingly, claims 1-12 are pending in this application and are submitted for consideration.

A restriction requirement has been made pursuant to PCT Rules 13.1 and 13.2. The Office has indicated that the Applicants must choose to elect a single invention comprising the claims of either Group I (claims 1-10, and 12) or Group II (claim 11). Applicants elect, with traverse, Group I comprising claims 1-10, and 12. Applicants traverse the election requirement on the basis that the inventions recited by the claims of Groups I and II recite one or more of the same special technical features and therefore, under PCT Rules 13.1 and 13.2, the restriction is improper.

Group I comprises claim 1, as amended, and its dependents. Claim 1 recites a data carrier having a first side and a second side. The data carrier comprises at least one printed area produced by intaglio printing on the first side. The intaglio printing area has a tactile perceptibility. The data carrier also comprises a film applied on the first side that partly covers the printed area. The film is applied in such a way that the tactile perceptibility of the intaglio printing is maintained.

Group II comprises claim 11, as amended. Claim 11 recites a method for producing a data carrier having a printed area produced by intaglio printing and partly covered with a film. According to the method, a substrate is printed on by intaglio

printing to produce a printed area having a tactile perceptibility. A film is then applied to the substrate so as to partly cover the area executed by intaglio printing. The film is applied such that the tactile perceptibility of the intaglio printing is maintained.

The Office alleges that U.S. Patent Nos. 6,954,293 (“the ‘293 patent”), 6,337,752 (“the ‘752 patent”), and 5,801,857 (“the ‘857 patent”) all to Heckenkamp et al. (collectively “the Heckenkamp patents”) disclose the special technical features recited by claims of Group I and Group II. The Heckenkamp patents, however, fail to disclose the special technical features common to Group I and Group II.

The Heckenkamp patents disclose systems comprising a series of data carriers. See, e.g., the ‘752 patent at col. 1, lines 15-20. The data carriers comprise holograms as security elements. See, e.g., *Id.* at col. 1, line 47 – col. 2, line 67. The holograms are produced on the data carrier by embossing a secondary hologram on the data carrier using a primary hologram or embossing master. See col. 6, line 59 – col. 7, line 10. The Heckenkamp patents, however, fail to disclose a data carrier partly covered by a film such that the tactile perceptibility of the printed area is maintained, as the claims of both Group I and Group II require. Thus, the claims of Groups I and II fulfill the unity of invention requirement of PCT Rule 13 because they disclose technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Applicants, therefore, respectfully request withdrawal of the election/restrictions requirement and that claims 1-12 be allowed and passed to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel’s Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

September 8, 2008

/Brian A. Tollefson/  
Brian A. Tollefson  
Attorney for Applicants  
Registration No. 46,338  
ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 783-6040

1527394\_1.DOC